

04-21-00

Sector  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Natarajan et al.

Attorney Docket No.: CISC111/1075

Application No.: 09/342,742

Examiner: Not Assigned

Filed: June 29, 1999

Group: 2731

Title: TECHNIQUE FOR COLLECTING  
OPERATING INFORMATION FROM NETWORK  
ELEMENTS, AND FOR CONTROLLING  
NETWORK ELEMENT BEHAVIOR IN A  
FEEDBACK-BASED, ADAPTIVE DATA  
NETWORK

**CERTIFICATE OF EXPRESS MAIL**

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as Express Mail to: Assistant Commissioner  
for Patents, Box OIPE, Washington, DC 20231 on April 19, 2000.

Signed:   
Joel Gray

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

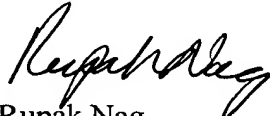
Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

Sir:

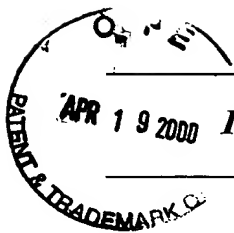
Enclosed herewith are the original, executed Declaration and Power of Attorney for  
Patent Application and Assignment, in response to the Notice to File Missing Parts of  
Application--Filing Date Granted, originally mailed August 3, 1999. Please file these documents  
in the subject application.

Enclosed is our Check No. 2743 for \$1,350.00 in payment of the filing fees, surcharge  
and assignment recording fee. The Commissioner is authorized to charge any other fees that  
may be due to our Deposit Account No. 50-0388, including extension of time fees to (Order No.  
CISC111). A duplicate copy of this sheet is enclosed for this purpose.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

  
Rupak Nag  
Reg. No. 37,493

P.O. Box 130  
Mountain View, CA 94042-0130  
(510) 843-6200



APR 19 2000

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Signed: \_\_\_\_\_

Joel Gray

**Letter to Office of Petitions Re: Non-Receipt of Notice to File Missing Parts**

Assistant Commissioner for Patents  
Office of Petition  
Washington, D.C. 20231

To Whom It May Concern:

In response to receipt of facsimile copy of Notice to File Missing Parts for the above-referenced patent application, sent by Monica at the Office of Initial Patent Examination on April 11, 2000, applicant hereby submits a response to the Notice to File Missing Parts, and requests that said response be accepted as being timely filed.

The above-identified application was filed by the Applicant's attorney of record on June 29, 1999 without an executed Declaration. An official filing receipt was not received in this case and a telephone inquiry was made on December 20, 1999 regarding the filing receipt. A duplicate filing receipt was received for the above-identified application on December 28, 1999.

A further inquiry regarding the Missing Parts was made on December 20, 1999 with Laren of the Office of Initial Patent Examination. Laren stated that a Notice to File Missing Parts was mailed by the Patent Office on August 3, 1999, and further stated that a duplicate copy of the Notice to File Missing Parts would be mailed to the Applicant's attorney of record in follow up to the telephone inquiry on December 20, 1999. However, to date, Applicant's attorney of record has not yet received copy via mail of the Notice to File Missing Parts.

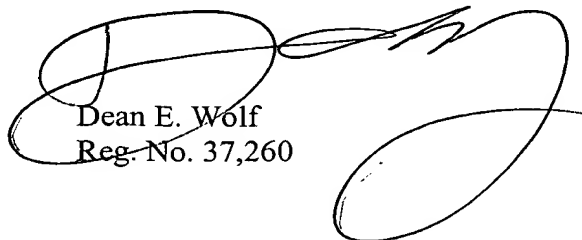
On April 11, 2000, Applicant's attorney of record again inquired at the Office of Initial Patent Examination as to the receipt of the Notice to File Missing Parts. In response to this inquiry, Monica of the Office of Initial Patent Examination provided a faxed a copy of the Notice to File Missing Parts. It is noted that Applicant's attorney of record first received a copy of the Notice to File Missing Parts for the above-referenced patent application on April 11, 2000.

During the telephone inquiry of April 11, 2000, Applicant's attorney of record further inquired as to how this matter could be rectified with the Patent Office. Monica suggested that we obtain a copy of our mail log dated August 3, 1999 for approximately four weeks (enclosed herewith). As one can see from the enclosed mail log, a Notice to File Missing Parts was not received for the above-identified application. It was also suggested that we send a copy of our docket history for the above-identified application (also enclosed herewith). As once can see from the enclosed docket history, a response to the Notice to File Missing Parts was not docketed because a Notice to File Missing Parts was not received. The last date in which this file has been updated was January 4, 2000, which is also contained in the docket history.

In view of the foregoing, it is respectfully requested that the Patent Office accept the enclosed response to Notice to File Missing Parts as being timely filed. However, should the Commissioner conclude that the application has gone abandoned for failure to file a response to the Notice to File Missing parts, please treat this paper as a contingent Petition to Revive the Application under 37 C.F.R. §1.137(b). Any delay filing a response to the Notice to File Missing Parts in the above-identified application was unintentional. **Acct. 50-0388  
(Order No. CISC111)**

If this paper is treated as a Petition to Revive under 37 C.F.R. §1.137(b), please charge the above-referenced deposit account in the amount of the petition fee set forth in 37 C.F.R. §1.17(m). The Response to the Notice to File Missing Parts is appended hereto for filing purposes.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

  
Dean E. Wolf  
Reg. No. 37,260

P.O. Box 130  
Mountain View, CA 94042-0130  
(510) 843-6200



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
300 EAST CAPITOL BUILDING  
WASHINGTON, D.C. 20231



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/342,742	06/29/99	NATARAJAN	5 CISCPI111/107

022434  
MEYER & WEAVER LLP  
P O BOX 61059  
PALO ALTO CA 94306

0222/0803

NOT ASSIGNED

2731

DATE MAILED:

09/02/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(a) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 131.00.

- ☒ 1. The statutory basic filing fee is:
- ☒ missing.
  - ☐ insufficient.
- Applicant must submit \$ 78.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☒ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.
- \$ 78.00 for 1 independent claims over 3.
  - \$ 34.00 for 17 dependent claims over 20.
  - \$ \_\_\_\_\_ for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:
- ☒ is missing or unexecuted.
  - ☐ does not cover the newly submitted items.
  - ☐ does not identify the application to which it applies.
  - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.  
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

04/25/2000 TTRM1 00000065 09342742

01 FC:101	760.00 OP
02 FC:102	78.00 OP
03 FC:103	342.00 OP
04 FC:105	130.00 OP